IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8506 of 2005

Between:

1 S. Govinda Raju S/o. Rajam Raju
Near Government Press, Mutyalampadu, Vijayawada,
Krishna District.
2 Ch. Basivi Reddy S/o. Siva Reddy
Nonna Post, Vijayawada Rural Mandal, Krishna District.

... PETITIONERS

AND

1 The State of Andhra Pradesh, Rep. by its Secretary,
Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Krishna District at Machilipatnam.
3 Revenue Divisional Officer, Nuzvid, Krishna District.
4 Mandal Revenue Officer, Gannavaram Mandal, Krishna District.
5 The Village Sarpanch, Surampally Village, Gannavaram Mandal,
Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in trying to dispossess the petitioners without issuing any notice or order from their land admeasuring Ac. 5.28 cents in Sy.No. 188/2/A, B ,C of Surampalli Village, Gannavaram Mandal, Krishna District as illegal, arbitrary and violative of Article 14, 21 and 300A of the Constitution of India.

Counsel for the Petitioners: MR.V.AJAYAKUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners seek a declaration that the alleged action of the respondents in trying to dispossess them from the land admeasuring Ac.5.28 cents in Sy.No.188/2/A,B,C of Surampalli Village, Gannavaram Mandal, Krishna District as arbitrary and illegal.

The case of the petitioners is that they have been in continuous possession and enjoyment of the land in question from the date of their purchase under registered sale deed dated
01-02-2005. However, the respondents have been trying to dispossess the petitioners high-handedly without there being any justifiable reason. It is alleged that the petitioners were not issued any notice nor any order has been passed by the respondents before taking steps to dispossess them. Hence, this writ petition.

Having heard the learned counsel for the petitioners, the learned Government Pleader for Revenue appearing for the respondents and keeping in view the assertions of the petitioners that they are in lawful possession of the land in question, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question, without following due process of law. However, it is made clear that this Court has not expressed any opinion as to the claim of the petitioners as to the ownership of the land in question and it is open to the respondents to pass appropriate orders, in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 15-04-2005

LSK

ASSISTANT REGISTRAR

To

1 The Secretary, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Krishna District at Machilipatnam.
3 Revenue Divisional Officer, Nuzvid, Krishna District.
4 Mandal Revenue Officer, Gannavaram Mandal, Krishna District.
5 The Village Sarpanch, Surampally Village, Gannavaram Mandal, Krishna District.

6 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad. (OUT)

7 Two C.D. copies.